

Before the
FEDERAL COMMUNICATIONS COMMISSION

445 12th Street SW, Room TW-A325
WASHINGTON, DC 20554

fcc@bcpiweb.com

NOTICE OF PROPOSED RULEMAKING
FCC 13-58
GN Docket No. 13-111

SHAWNTECH COMMUNICATIONS, INC.
1700 LYONS ROAD, SUITE C
DAYTON, OHIO 45458

JULY 17, 2013

In the Matter of

Promoting Technological Solutions to Combat Contraband Wireless Device Use in
Correctional Facilities

COMMENTS OF SHAWNTECH

ShawnTech Communications, Inc. (ShawnTech) hereby respectfully submits its consolidated comments on the Notice of Proposed Rulemaking of Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities by the Federal Communications Commission (Commission). ShawnTech will comment on the identified Matters outlined in the FCC 13-58 document. In some cases ShawnTech will provide a brief statement and in others a more detailed response.

BACKGROUND:

ShawnTech has been in the telecommunication business for twenty-five years with a focus on the Correctional Industry for twenty of the twenty-five years. ShawnTech is deeply involved in finding solutions to combat contraband wireless devices while working closely with the correctional agencies, commercial carriers and the Federal Communications Commission to ensure all stakeholders' interests are addressed and managed.

To date ShawnTech has provided written testimony to congress, completed one (1) Alpha Pilot, three (3) Beta Pilots, installed two (2) permanent managed access solutions for one of the largest correctional agencies in the world, secured multiple spectrum agreements with all major carriers and over thirty-five FCC Lease authorizations. In the near-term ShawnTech will be working closely with the Federal Bureau of Prisons on a collaborative pilot to develop baseline standards for Secure Communications / Managed Access in the federal prison system. In addition, ShawnTech continues to be a thought leader in this area and is dedicated to working closely with industry leaders to eliminate the use of contraband wireless devices for criminal activity, which is a serious threat to the safety of prison employees, other prisoners, and the general public.

A. Streamlining Authorization of Leases for Managed Access Systems for Use in Correctional Facilities

COMMENT: ShawnTech fully supports streamlined regulatory processes for use of managed access systems used within correctional facilities.

2. Proposed Rules to Streamline Managed Access Spectrum Leasing Procedures

i. Streamline Lease Application Approval and Lease Notification

No. 38. Page 19

COMMENT: ShawnTech supports the Commission proposed modifications

No. 39. Page 20

COMMENT: ShawnTech supports the Commission proposed modifications

No. 40. Page 20

COMMENT: ShawnTech supports the Commission proposed modifications

No. 41. Page 21

COMMENT: ShawnTech supports the Commission proposed modifications

No. 42. Page 21

COMMENT: ShawnTech supports the Commission proposed modifications

No. 43. Page 22

COMMENT: ShawnTech believes the protections are sufficient.

No. 44. Page 22

COMMENT: ShawnTech does NOT support the need to provide notification to households and businesses in the vicinity of the installed solution. To date we have not had any issues with our secure private coverage area exceeding beyond the correctional facilities' secure fenced area. ShawnTech extensively tests its coverage area to ensure it is within the boundaries of the correctional facilities. ShawnTech believes, if in the unlikely event there is an issue, which could affect households and or businesses in the vicinity of a correctional facility, than the managed access provider of service,

agency and commercial carriers will collaboratively determine the best course of action(s).

ii. PMRS Presumption

No. 45. Page 22

COMMENT: ShawnTech supports the Commission proposed modifications

No. 46. Page 23

COMMENT: ShawnTech believes managed access services must include the ability to support emergency calling to the appropriate public safety answering points. ShawnTech believes the agency that is requiring the managed access service, set the specific rules and policies for services provided within the private network, and the service provider will configure technology to meet the agencies requirements to either enable or disable the emergency calling features.

iii. Compliance with Sections 308, 309 and 310(d) of the Act.

No. 47. Page 23

COMMENT: ShawnTech supports the Commission proposed modifications

No. 48. Page 24

COMMENT: ShawnTech supports the Commission proposed modifications

No. 49. Page 24

COMMENT: ShawnTech supports the Commission proposed modifications

iv. Streamlined Special Temporary Authority Request Processing

No. 50. Page 25

COMMENT: ShawnTech does not support the modification; ShawnTech supports the current process as is.

3. Other

No. 52. Page 25

COMMENT: ShawnTech strongly supports the current process of working closely with the commercial carriers, developing a working relationship and

a deep understanding of the provider of services (managed access solution(s)) and contractual Spectrum Agreements, enabling the provider of service usage of the commercial carrier's spectrum over the correctional facility. We also, know that it is important for the commercial carriers to ensure that managed access and similar technology is properly tested and retested for use in the unique correctional environment applications. It is critical that the Commission and or Commercial Carriers set minimum acceptance standards and guidelines to ensure managed access technology is controlled and operated by "authorized" providers of service. These managed access services can and will have a positive effect on the safety the correctional industry, inmates and general public.

B. Detection

1. Overview and Regulatory Environment of Detection Systems

No. 53. Page 26

COMMENT: Since inmates circumvent the currently installed communications systems, including authorized calling lists, monitoring, recording and tracking of data for but not limited to controlling criminal activity through contraband wireless devices, ShawnTech believes the objective is to stop the unauthorized and uncontrollable communications by inmates. Although ShawnTech believes managed access systems are the most effective at controlling the use of contraband wireless devices, ShawnTech also believes it is important to have various technologies available to the correctional agencies to provide a layered security solution to combat the use of contraband wireless devices. These various technologies range in effectiveness and efficiencies (including labor and price). Only the correctional agency can determine the value and benefit of each of the independent technologies or as a combined solution.

No. 54. Page 26

COMMENT: ShawnTech believes managed access systems provide the best solution to disabling the use of contraband wireless devices – essentially making them effective before they are found. While detection systems can be effective for what they are intended to do – extract and/or locate – they do not prohibit additional contraband wireless devices from entering the facility and their use.

2. Disabling Contraband Wireless Devices through Improved Coordination

No. 56. Page 27

COMMENT: See above comment for 1. No. 54, Page 26. In addition, ShawnTech understands that the agencies as well as the commercial carriers will have to invest time and money to increase the staffing to support these and other detection typed services to stop cellular communications. These processes and

services will not stop the inmates from communicating using contraband wireless devices; they will only hinder use for a limited time until new contraband wireless devices or SIM cards can be used. Also, blocking at the network level does not prevent communications over Wi-Fi or other non-cellular communication protocols which could be active at the facility.

ShawnTech has conducted contraband assessments at several facilities across the country and has found evidence to suggest that terminating service at the macro-level would have little to no impact on the inmates inside the facilities. When we analyze the data produced from many of these assessments, we find that many locations have devices where the IMEI field produces all zeros (0000000000000000), which would only allow the carrier to block the SIM card for these devices. The data also suggests that devices, which are SIM-based are preferred 10:1 in locations where access to these types of carriers exist (most). Further analysis shows that inmates are swapping SIM cards quite frequently inside the institutions including devices that are wiped.

Another unintended consequence is the fact that a device that is erroneously captured, for whatever reason, and identified as contraband during a “point in time” capture will be blocked once the device leaves the facility.

i. Identifying Contraband Devices

No. 64. Page 30

COMMENT: ShawnTech solution currently is able to identify and capture all the required data and can confirm that the specific device is within a correctional facility for authorized and unauthorized devices.

C. Applicability of Prohibitions on Intercepting and Publishing Communications and on the Use of Pen Register and Trap and Trace Devices

No. 74, 75 and 76. Page 33

COMMENT: ShawnTech has received authorization from all the major commercial carriers to take control of unauthorized cellular communication within a correctional facility and operate as a PMRS, which is in compliance of federal and state laws.

ShawnTech is concerned that the detection systems as outlined in section B Detection starting on page 26, may be in violation of the current federal and state laws related to Pen Register and Trap and Trace Devices. It would seem, the information captured by the detection (section i. Identifying Contraband Devices 62, ESN, IMEI, MIN, IMSI and other) solutions would require the operator of the equipment to be a “provider of services” and under the Chapter 119 and 206, Title 18 of US Code not disclose this personal

information without a court order. The consent exception is related to content (voice and sms/text) and does not relate to information (ESN, IMEI, MIN, IMSI and other) gathered by the detection solution.

ShawnTech supports the Commission's objectives for improving the processing of the FCC Leases and is prepared to provide assistance as required.

Respectfully submitted,

ShawnTech Communications, Inc.
1700 Lyons Road, Suite C
Dayton, OH 45458

David S. Gittelson
Director of Corporate Development
818-657-2251

Gillis West
Managing Director
937-665-1612